

REMARKS

Claims 1, 3-5, 7, 9-16, 18, 19, 24-26 and 30 are pending in this application. Non-elected claims 3, 11, 13, 14, 16, 18, 19, 24, 25 and 30 are withdrawn from consideration.

I. Personal Interview

Applicants thank Examiner Loewe and Examiner Shiao for the courtesies extended to Applicants' attorney during the personal interview held March 17, 2010.

During the interview, Examiner Loewe agreed to withdraw the outstanding rejection under 35 U.S.C. § 102(a), because the compound disclosed in the reference does not anticipate claim 1. Applicants' attorney also pointed out that this reference had been cited in the Office Action mailed January 22, 2008, and had been overcome in view of the Declaration filed December 4, 2008.

The extensive prosecution history of the application was also discussed during the interview. Examiner Loewe asserted that there is a search burden, because the genus of compounds of claim 1 is broad and difficult to search.

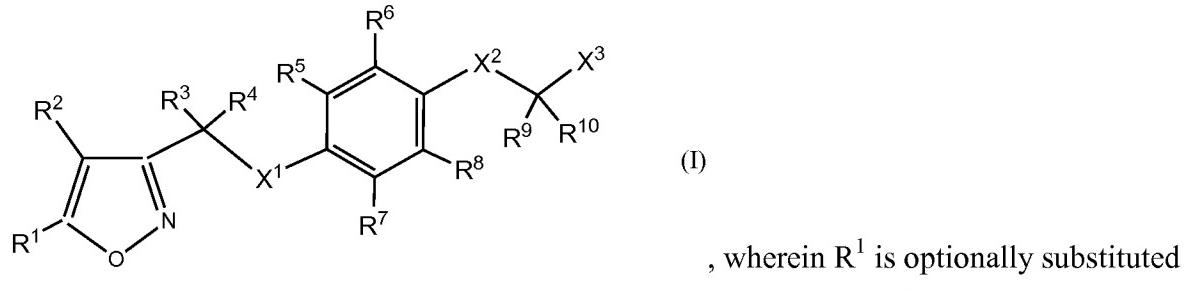
Applicants' attorney indicated that Applicants fully complied with the Restriction Requirement by limiting the claims to Group II, drawn to products of formula (I) wherein R¹ is phenyl and X¹ is O or S, and requested the Examiner to expand the search.

Examiner Loewe agreed to broaden her search beyond a single species, and stated that after performing her search, she would telephone Applicants' attorney to discuss her search results prior to issuing a new Office Action.

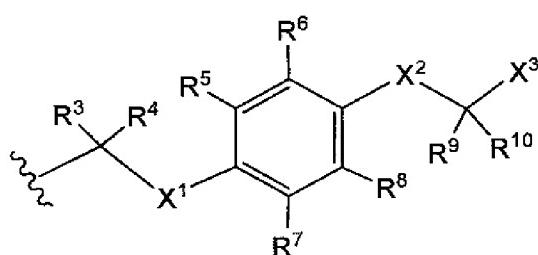
II. Claim Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 1, 4, 5, 7, 9, 10 and 26 under 35 U.S.C 102(a) as being anticipated by Filzen et al. (WO 2003/084916). Applicants respectfully traverse the rejection.

As discussed during the interview, claim 1 recites a compound of formula (I),

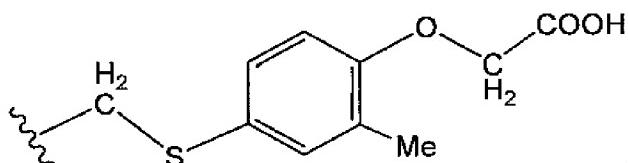


In addition, in claim 1, the moiety of the formula:



is in the **3-position** of the isooxazole of formula (I).

However, in the reference, the compound has a moiety of the formula:



in the **4-position** of the isooxazole.

Therefore, the compound disclosed in the reference does not anticipate claim 1.

Claims 4, 5, 7, 9, 10 and 26 depend directly from claim 1, and thus also are not anticipated by the reference.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied reference.

Therefore, in view of the foregoing remarks, it is submitted that the rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Yoshikazu FUKUI et al.

/Andrew B.
By Freistein/

Digitally signed by /Andrew B. Freistein/
DN: cn=/Andrew B. Freistein/, o=WLP,
ou=WLP, email=afeinstein@wenderoth.
com, c=US
Date: 2010.03.29 12:13:15 -04'00'

Andrew B. Freistein
Registration No. 52,917
Attorney for Applicants

ABF/emj
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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